

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.3187 OF 2007

Akbar Salim Shaikh & anr. ..Applicants

V/s.

The State of Maharashtra ..Respondent

Mr.Sudhir Halli i/b/ Mr.Subhash Hulyalkar,
advocate, for the applicants
[Ms.S.D.Shinde](#), Assistant Public Prosecutor for the
State

CORAM : [V.C.DAGA, J.](#)

DATE : 31ST OCTOBER, 2007

P.C.

1. Heard learned counsel for the applicant and the learned APP for the State. The applicant is seeking bail in [C.R.No.72/2007](#) registered with Deccan Police Station for the offence punishable under Sections 399 & 402 of the Indian Penal Code. The learned counsel appearing for the applicant contends that looking to the charges levelled against under Section 399, 402 of the [I.P.C](#) the [same may](#) get attracted.

Without going into submissions made by the applicant, in my considered view the applicant would be entitled for bail under Section 439 of the Criminal Procedure Code.

2. In the aforesaid view of the matter, I am inclined to grant bail to both the applicants, subject to following conditions :

(a) The applicants, arrested in connection with [C.R.No.72/2007](#) registered with Deccan Police Station shall be enlarged on bail in the sum of Rs.10,000/- with one or two local sureties to make up the said amount.

(b) The applicants shall report to the concerned police station once in a week [i.e.on](#) every Monday between 3.00 to 5.00 p.m. till conclusion of

the trial.

(c) The order of bail will be given effect only after the applicants furnish to the investigating officer the details about their place of residence and address where they propose to stay after they are enlarged on bail. The applicants will not change his residential address thereafter till the conclusion of trial without prior intimation to the investigating officer.

(d) The applicants shall not directly or indirectly, make any inducement or threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(e) The applicants shall co-operate with the investigating agency for disposal of the case. It is needless to mention that breach of any of the conditions by the applicants shall result in cancellation of bail.

(f) Any observation made in this order shall not be construed as finding or expression on merits of the case at the time of trial.

3. Application stands disposed of accordingly.

(V.C.DAGA, J.)

